

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v-

No. 16-CR-311

TERRELL STEVENS,

Defendant.

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KIMBA M. WOOD, District Judge:

**ORDER**

On November 27, 2017, Terrell Stevens (“Defendant”) was sentenced principally to a term of imprisonment of 148 months following his plea of guilty to (1) conspiracy to distribute, and to possess with intent to distribute, cocaine base and heroin, in violation of 21 U.S.C. § 841(b)(1)(B) (“Count One”); and (2) use and carrying of firearms in furtherance of drug trafficking, in violation of 18 U.S.C. § 924(c)(1)(A) (“Count Six”). (J., ECF No. 285.) Based on an offense level of 27 and a criminal history category of IV, Defendant’s sentencing guidelines range was 100 to 125 months’ imprisonment on Count 1, to be followed by 60 months’ imprisonment on Count Six. (Suppl. Presentence Investigation Report (“Suppl. PSR”) at 3, ECF No. 584; Presentence Investigation Report (“PSR”) ¶ 89, ECF No. 121.) The Bureau of Prisons currently projects that Defendant will be released from prison on February 26, 2027.

Effective November 1, 2023, in its Amendment 821, the United States Sentencing Commission (“Sentencing Commission”) amended the United States Sentencing Guidelines Manual in two respects. Part A amends Guidelines § 4A1.1, by reducing from two (2) points to one (1) point the upward adjustment for offenders who committed the instant offense while

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under any criminal sentence, and by limiting this adjustment to defendants who received seven (7) or more criminal history points. Part B, in the part relevant here, amends Guidelines § 4C1.1, by providing a 2-level offense level reduction for offenders with zero (0) criminal history points who meet specified eligibility criteria. The Sentencing Commission made these amendments retroactive effective November 1, 2023. Defendants whose requests are granted by the courts can be released from prison no earlier than February 1, 2024.

Defendant has made a *pro se* motion for a reduction in his sentence. (Def.'s Mot., ECF No. 583.) The Probation Department has issued a report indicating Defendant is eligible for a reduction. (*See* Suppl. PSR.)

Pursuant to the standing order of the Chief Judge of this District, because Federal Defenders has a conflict with regard to the representation of Defendant, the on-duty United States Magistrate Judge is instructed to appoint a member of the Criminal Justice Act Panel to represent Defendant in this Court's consideration of whether Defendant's sentence should be modified in light of Amendment 821.

IT IS ORDERED that no later than January 18, 2024, the Government shall file a statement of its position on the motion for modification of Defendant's sentence. IT IS FURTHER ORDERED that Defendant shall file his response, if any, no later than January 25, 2024.

The Court's intention, unless it orders otherwise, is to resolve this motion based on the parties' written submissions.

SO ORDERED.

Dated: New York, New York  
January 11, 2024

*/s/ Kimba M. Wood*

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KIMBA M. WOOD  
United States District Judge